

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E.
Klisch, CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

AUGUST 31, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

Pursuant to Government Code Section 54953, Councilmember Jerry Duncan will participate in City and/or Redevelopment Agency items by teleconference from a conference room at New York Marriot Marquis Hotel, 1535 Broadway New York, New York 10036.

8:00 A.M. ROLL CALL

Invocation by Jesse Avila, City Attorney's Office

Moment of Silence in Commemoration of the 3rd Anniversary of September 11th

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Student Recognition Certificates – Council President Castillo

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 24, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.)

A. **RESOLUTION** - Supporting the California High Speed Rail Project – Public Works Dept.

Action Taken:

B. * Award a requirements contract to Freedom Ford Truck Center, Inc. of Fresno, CA for compact pickup trucks – General Services Dept.

Action Taken:

C. Approve six (6) month extension of a Temporary Use Permit for Ida J. Robinson, dba Runway Café at the Fresno Chandler Executive Airports – Airports Dept.

Action Taken:

D. Approve the proposed lease and concession agreements between the City of Fresno and the rental car agencies operating within the terminal at Fresno Yosemite International Airport – Airports Dept.

Action Taken:

E. Approve renewal of Fresno County Interagency Council Agreement – PR&CS Dept.

Action Taken:

F. **RESOLUTION** - Authorizing submittal of an application, acceptance of an allocation of funds, and execution of grant agreements with the California Department of Transportation for matching funds on Federal Aviation Administration (FAA) approved projects at the Fresno Chandler Executive Airport under Airport Improvement Program (AIP) Nos. 3-06-0088-08 and 3-06-0088-09 for Federal Fiscal Years 2003 and 2004 – Airports Dept.

Action Taken:

G. **RESOLUTION** - Authorizing the specification of Fairbanks Morse Sludge Pumps, Gould Digester Mixing Pumps, Allen-Bradley Control Equipment, Cutler-Hammer/Westinghouse Switchgear, and Modicon Programmable Logic Controllers in the future procurement solicitation(s) for the Regional Wastewater Reclamation Facility Organic Upgrade Project – Public Works Dept.

Action Taken:

H. Authorization to distribute sales packages for the sale of 17 +/- acres of City-owned land at the southwest corner of Herndon and Brawley Avenues – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. * **RESOLUTION** - 15th amendment to the AAR No. 2004-209 authorizing the loan of \$170,000 from UGM RR Crossing/At Grade Zone A/D to UGM Park Zone 4 to finance the purchase of a park site at the northeast corner of W. Gettysburg and N. Vista Avenues (***Requires 5 affirmative votes***) – Public Works Dept.
Action Taken:
- J. **RESOLUTION** - Authorizing the submittal of a grant application for CALHOME Program Mortgage Assistance funds to the California Department of Housing and Community Development and authorize City Manager to sign all necessary documents and agreements to implement the grant – Planning and Development Dept.
Action Taken:
- K. * **BILL – (For intro.)** – Establishing criteria for reimbursement of expenses for Mayor and Councilmembers – City Attorney's Office
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Building regulations in the Fresno Municipal Code: (Planning and Development Dept.)
1. **RESOLUTION** – Affirming the express findings for adoption of amendments and modifications to the City of Fresno Building Code
Action Taken:
 2. * **BILL NO. B-79– (Intro. 8/24/2004) (For adoption)** – Amending the 2001 California Building Standards Code – Planning and Development Dept.
Action Taken:

3(A) **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** – Government Code Section 54956.9, Subdivision (c)
Significant Exposure to Litigation:
1. City of Fresno v. Pinedale County Water District
 2. City of Fresno v. Pinedale Public Utility District
- Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** In the matter of the petition of Northern California Water Association, Central Valley Project Water Association, and all petitioners listed in Exhibit "A" for reconsideration of water rights fees
 2. **Case Name:** Natividad Alba v. City of Fresno, et al.
 3. **Case Name:** Michelle Cortez v. City of Fresno, et al.
 4. **Case Name:** Northern California Water Association, et al. v. State Water Control Board, et al; Sacramento Superior Court Case No. 03CS01776
Action Taken:

3(B) **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

4. **CITY COUNCIL**

- A. **RESOLUTION** – Proclaiming its concern about the detrimental impacts to the San Joaquin River Parkway that may result if the State implements the California Performance Review Commission's recommendations regarding the restructure of funding and governance for certain land conservancies – Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

8:20 A.M. Direct the City Attorney's Office to prepare the necessary legislative action documents to implement the "No Neighborhoods Left Behind" Public Works construction with City personnel and equipment and return on September 21, 2004 with said documents – Council President Castillo

Action Taken:

- a. Direct the Attorney's Office to draft legislative action addressing the extend to which Council direction may be deemed binding on City Staff

Action Taken:

9:00 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

A. **SCHEDULED PUBLIC COMMENT –**

1. Appearance by Richard Stewart to appeal a Public Work's Dept. decision to not allow final occupancy clearance on the property located at 211 W. Hulbert Court

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:10 A.M. * **BILL - (For introduction)** – Repealing Article 2 of Chapter 6 and adding Article 2 to Chapter 6 of the Fresno Municipal Code relating to cable communication systems – City Manager's Office

Action Taken:

10:00 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 73, Final Tract Map 5137 – Public Works Dept.

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 73, Final Tract Map No. 5137 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION** – Declaring election results
Action Taken:
- d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 73, Final Tract Map No. 5137
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:05 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 74, Final Tract Map 5233 – Public Works Dept.

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 74, Final Tract Map No. 5233 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION** – Declaring election results
Action Taken:
- d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 74, Final Tract Map No. 5233
Action Taken:

10:10 A.M. CONTINUED HEARING to consider Rezoning Application No. R-04-024, and environmental findings, filed by Southern Baptist Presbyterian Homes, pertaining to a 3.72-acre parcel of land located on the southwest corner of N. Marty and W. San Jose Avenues, north of W. Shaw Avenues **(Property located in District 2)** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-24/C-04-62, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130)
Action Taken:
- b. **BILL** – Amending the official Zone Map to rezone the subject property **from** the R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone district **to** the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district
Action Taken:

10:15 A.M. CONTINUED HEARING to consider Plan Amendment Application No. A-03-19, Rezone Application No. R-03-80, and environmental findings, filed by Logan and Associates, for 4.01 acres located at the northeast corner of E. Alluvial and N. Chestnut Avenues **(Property located in District 6)** – Planning and Development

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-19/R-03-80/C-03-262
Action Taken:
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Woodward Park Community Plan from the low density residential planned land use designation to the medium density residential land use designation
Action Taken:
- c. **BILL** - Amending the Official Zone Map to rezone the property **from** the RR (*Rural Residential – County*) zone district **to** the R-1/UGM (*Single Family Residential//Urban Growth Management*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. HEARING to consider Rezone Application No. R-04-43 and environmental findings filed by Stergeos Demetrios, pertaining to a 5-acre site located along the west side of N. Clovis Avenue between E. Belmont and E. Tulare Avenues (255 N. Clovis Avenue) (***Property located in District 5***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment R-04-43, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the property **from** the AE-5 (*Exclusive Five Acre Agricultural*) zone district **to** the R-2 (*Low Density Multiple Family Residential*) zone district

Action Taken:

11:00 A.M. #1 **CLOSED SESSION OF THE REDEVELOPMENT AGENCY**

- A. **PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT** – Government Code Section 54957

Title: Appointment of Interim Executive Director

Action Taken:

11:00 A.M. #2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of August 24, 2004

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

- A. Recommend approval of an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and Pyramid A-One, a California limited liability company, for the construction of a residential mixed-use project at 1807 Broadway (***Agency action***) – Planning and Development Dept.

Action Taken:

AGENCY GENERAL ADMINISTRATION

- B. Request update and consideration of staff direction on exclusive negotiating agreement being negotiated by the Agency for the Chinatown Project (***Council and Agency action***) - Councilmember Sterling

Action Taken:

- C. Appoint a personnel committee to prepare a set of recommendations on the process to be utilized for filling the Executive Director position of the Redevelopment Agency and return on September 21, 2004 with the recommendations (***Agency action***) – Council President Castillo

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #1 **CONTESTED CONSENT ITEMS**

2:00 P.M. #2 Approve conceptual Eaton Plaza Master Plan, Phase One Construction Project, and direct staff to amend and revise Civic Center and related plan documents as necessary – Public Works Dept. and PR&CS

Action Taken:

2:45 P.M. Appeal of an administrative abatement decision by Wesley and Vanhdao Flowers for property located at 2475 S. Lily Avenue

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept. 7 - NO MEETING – COUNCIL VACATION

Sept. 14 - NO MEETING – COUNCIL VACATION

Sept. 21 - 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 75, Final Tract Map No. 5262

Sept. 21 - 10:05 A.M. HEARING re: CFD No. 2, Annexation No. 76, Final Tract Map No. 5136

Sept. 21 - 11:00 A.M. HEARING to consider the proposed spending plan for the Local Law Enforcement Block Grant (LLEBG)

Sept. 21 - 3:30 P.M. WORKSHOP re: ADA Advisory Council – Public Works Dept. (1 hour)

Sept. 21 - 4:30 P.M. WORKSHOP re: Cal Trans/City partnership – Public Works Dept. and Planning and Development

Sept. 21 - 5:00 P.M. (Item from Council President Castillo)

Sept. 28 - 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 77, Final Tract Map No. 5370

Sept. 28 - 4:00 P.M. – 9:00 P.M. Trimester Plan Amendments – Planning and Development Dept.

Oct. 5 - 3:00 P.M. HEARING to consider Rezone Application No. R-04-20, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen

Oct. 5 - 4:30 P.M. CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises

Oct. 12 - NO MEETING – COLUMBUS DAY

Oct 26 - 9:00 A.M. Presentation of P.R.I.D.E. Team Certificates (*Reception immediately following – 2nd floor foyer*)

FUTURE WORKSHOPS (Dates to be determined)

WORKSHOP and Council direction to staff re: to urban forest – PR&CS and Public Works Dept.